

Of Counsel:  
SHIM & CHANG

ROY K. S. CHANG #1733-0  
HARVEY M. DEMETRAKOPOULOS #5033-0  
333 Queen Street, Suite 900  
Honolulu, Hawaii 96813  
Telephone No. (808) 524-5803

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

|                                 |                                  |
|---------------------------------|----------------------------------|
| TIARA ENGLE and PORTNER         | ) CIVIL NO. 04 00256 (SOM) (BMK) |
| ORTHOPEDIC REHABILITATION,      | ) (Other Civil Action)           |
| INCORPORATED,                   | )                                |
|                                 | )                                |
| Plaintiffs,                     | ) PLAINTIFFS' FIRST REQUEST FOR  |
|                                 | ) PRODUCTION OF DOCUMENTS TO     |
| vs.                             | ) DEFENDANT LIBERTY MUTUAL FIRE  |
|                                 | ) INSURANCE COMPANY              |
| LIBERTY MUTUAL FIRE INSURANCE   | )                                |
| COMPANY; JOHN DOES 1-10; JANE   | )                                |
| DOES 1-10; DOE CORPORATION 1-   | )                                |
| 10; DOE PARTNERSHIPS 1-10; ROE  | )                                |
| "NON-PROFIT" CORPORATIONS 1-10; | )                                |
| and ROE GOVERNMENTAL ENTITIES   | )                                |
| 1-10,                           | )                                |
|                                 | )                                |
| Defendants.                     | )                                |
|                                 | )                                |

PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
TO DEFENDANT LIBERTY MUTUAL FIRE INSURANCE COMPANY

TO: LISA M. GINOZA, ESQ. (HAND DELIVERY)  
McCorriston Miller  
Mukai MacKinnon LLP  
Five Waterfront Plaza, 4<sup>th</sup> Floor  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813

Attorney for Defendant  
Liberty Mutual Fire Insurance Company

APPENDIX B

COME NOW Plaintiffs above-named, by and through their attorneys, SHIM & CHANG, pursuant to Rule 34 (b) of the Federal Rules of Civil Procedure hereby request Defendant above produce for inspection and copying at the office of SHIM & CHANG, 333 Queen Street, Suite 900, Honolulu, HI 96831, within thirty (30) days after service hereof, or such earlier time as agreed upon by counsel, the "Documents Requested" hereinbelow.

When responding to this Request for Production of Documents, you are requested to respond in writing and state as to each of the requests: (i) that there are such documents and that they will be produced; (ii) that there are such documents but you refuse to produce them because of a claim of privilege or for some other reason; or (iii) that there are no such documents as requested by particular request.

As to each document you are withholding from production, please identify it by a description (memo, contract, letter handwritten note, etc.), date author, recipient(s), number of pages and subject matter, and state the basis for its non-production.

DEFINITION

As used herein, the following term shall have the meaning set forth below unless otherwise specifically indicated.

"Document" means any written, graphic or printed matter in the actual or constructive possession, custody, care or control of the addressee of this request, including but not limited to originals (or copies where originals are not available) and drafts of correspondence, telegrams, notes or sound recordings of any type of personal or telephone conversations or of meetings or conferences, minutes of meetings, memoranda, interoffice communications, studies, analyses, reports, results of investigations, review, contracts, licenses, agreements, ledgers, books of account, vouchers, bank checks, negotiable instruments, invoices, charge slips, receipts, working papers, statistical records, cost sheets, desk calendars, appointment books, diaries, daily letters, time sheets or logs, maps, computer data and job or transaction file, or papers similar to any of the foregoing.

These requests shall be deemed continuing to the full extent set forth under Rule 26(e) of the Hawaii Rules of Civil Procedure.

DATED: Honolulu, Hawaii, November 18, 2004 .

A handwritten signature in dark ink, appearing to read "R. K. S. Chang", written over a horizontal line.

ROY K. S. CHANG  
HARVEY M. DEMETRAKOPOULOS  
Attorneys for Plaintiff

DOCUMENTS REQUESTED

1. The complete claim file relating to Tiara Engle's application and claim for Personal Injury Protection benefits, Liberty Mutual file number LA658-003558040-05, including all paper documents and all computer records or other data retained in any format, electronic, paper or otherwise.

Answer:

2. All documents or data relating to Tiara Engle's application and claim for Personal Injury Protection benefits that is or are maintained or kept in any place other than the claim file in Liberty Mutual file number LA658-003558040-05, including all paper documents and all computer records or other data retained in any format, electronic, paper or otherwise.

Answer:

3. All reports prepared by Clifford Lau, M.D. relating to independent medical examinations, including records reviews, that he performed at the request of Liberty Mutual at anytime from January 1, 1999 to October 28, 2004. The names of the injured persons in each such report may be redacted to avoid releasing their identification.

Answer:

4. All documents, including but not limited to claims manuals, claims procedures, memoradums, instructions, policies, letters, emails, or any other type of information communication method, reflecting or relating to Liberty Mutual's decision, process or policy allowing or providing for the use of a records review as a basis for issuing a Denial of Claim form in a Personal Injury Protection benefits.

Answer:

5. All documents reflecting or relating to Liberty Mutual's contracting with and/or retention of Clifford Lau, M.D. to perform independent medical examinations, including records reviews, including but not limited to all letters to and from Clifford Lau, M.D., and all payments to Clifford Lau, M.D. for services rendered from Liberty Mutual.

Answer:

6. All contracts of insurance and/or insurance policies which provide or provided Personal Injury Protection benefits to Tiara Engle in Liberty Mutual file number LA658-003558040-05.

Answer:

7. All documents, diaries, computer records, database records, server records, disk records, and/or hard drive records which reflect or relate to the issuance of Denial of Claim Forms by Liberty Mutual as a result of records review reports prepared by Dr. Clifford Lau and/or any other doctor retained to perform independent medical examination record reviews, and the decision to issue Denial of Claim forms by Liberty Mutual in all of those cases.

Answer: